

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

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1511 Pontiac Avenue

Building 73, 2ndfloor

Cranston, Rhode Island 02920-4407

Website: www.dlt.ri.aov/lrb

OPEN MINUTES

BOARDMEETING

TIME:

DATE:

PLACE:

9:00 a.m.

Tuesday, February 10, 2009

1511 Pontiac Ave., Building#73, 2nd Floor, Cranston, RI 02920

BOARDMEMBERSINATTENDANCE: Walter J. Lanni, Chairman

FrankMontanaro

GeraldGoldstein

John R.Capobianco

Ellen L.Jordan

Elizabeth Dolan

OTHERS PRESENT: Robyn H. Golden, Administrator

Lisa L. Ribezzo, Labor Board Case Agent

Margaret L. Hogan, Esq.

Chairman Lanni called the meeting to order in Open Session at 9:20

a.m.

All Board Members reviewed the Open Minutes of the January 13, 2009 Board Meeting.

A Motion was made by Frank Montanaro and seconded by Gerald Goldstein to accept

the Open Minutes as written, and it was unanimously

VOTED: by all Board Members to accept the minutes as written.

The meeting continued in open session:

REPRESENTATION CASES:

1. Case No. EE- 3709 (1-RC-21039)

Central Falls Detention Facility Corporation & Teamsters, Local 251 (Decertification)

Pursuant to the Board's Rules and Regulations, §8.03.2, Teamsters Local 251 had

submitted to this Board, documentation requesting a "Voluntary Revocation" of their

representation rights in respect to Certification Case No. 1-RC-21039 (an NLRB

Certification). After review of the correspondence, a Motion was made by Elizabeth

Dolan, and seconded by Frank Montanaro to accept the request for Voluntary

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Page 2

Open Minutes

Board Meeting 2/10/09

Revocation in the above-entitled matter. After discussion, all Board Members voted in

favor of the Motion. Motion passed.

UNIT CLARIFICATION CASES:

1. Case No. EE- 3595

Jamestown School Committee & Jamestown Educational Support Personnel Association /NEARI

After review of the Investigator's report and responses submitted by all parties, a Motion

was made by John Capobianco and seconded by Frank Montanaro to accept the

Investigator's report as written; thus, to preliminarily accrete the position(s) of School

Secretary into the bargaining unit defined in Case No. EE-3595. After discussion, all

Board Members voted in favor of the Motion. Motion passed.

CONSENT AGREEMENT & AFFIDAVIT CASES:

1. Case No. EE- 3565

State of RI - Department of Labor and Training & RIASSE, Local 580 (Implementation Aide)

After review of the Consent Agreement and Affidavit executed and presented by the

parties, a Motion was made by Frank Montanaro and seconded by John Capobianco to acknowledge and accept the parties' signed agreement; that the position(s) of Implementation Aide, shall be and is hereby accreted to the bargaining unit as defined by Certification No. EE-3565. After discussion, all Board Members voted in favor of the Motion. Motion passed.

CONCLUDED CASES:

1. Case No. ULP- 5901

Newport School Committee & RI Council 94, AFSCME, AFL-CIO

This case was heard formally by Walter Lanni, John Capobianco, Frank Montanaro, Gerald Goldstein, and Elizabeth Dolan. Ellen Jordan reviewed the transcript and briefs, as well as the evidence submitted therein.

After review, a Motion was made by Frank Montanaro and seconded by John

Capobianco to preliminarily uphold the charge and find that the Employer had

committed an Unfair Labor Practice; and that this matter shall be referred to its legal

counsel for drafting of the Decision and Order to that effect. After discussion, all Board

Members voted in favor of the Motion. Motion passed.

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Page 3

Open Minutes

Board Meeting 2/10/09

DRAFTED DECISION AND ORDERS:

1. Case No. EE- 1679

Middletown School Committee & NEARI

A Motion was made by Ellen Jordan and seconded by John Capobianco to table this matter until the next monthly Board Meeting. After discussion, all Board Members voted in favor of the Motion. Motion passed.

2. Case No. ULP- 5833

State of RI - Department of Elderly Affairs & RI Council 94, AFSCME, AFL-CIO

This matter was included on the February Agenda in error. A motion was made by Elizabeth Dolan, and seconded by John Capobianco to remove this item from the Agenda. All Board Members voted in favor of the Motion. Motion passed.

3. Case No. ULP- 5868

Middletown School Committee & NEA Middletown /NEARI

This case was heard formally by Walter Lanni, John Capobianco, and Elizabeth Dolan.

Frank Montanaro, Gerald Goldstein, and Ellen Jordan reviewed the

transcript and

briefs, as well as the evidence submitted therein.

After review of the drafted decision, a Motion was made by Ellen Jordan and seconded

by Gerald Goldstein to sign the Decision and Order, as written. After discussion, all

Board Members voted in favor of the Motion and did sign the Decision and Order, as written.

ORDER: The Unfair Labor Practice Charge and Complaint in this matter are hereby dismissed.

4. Case No. ULP- 5872

State of RI- Department of Health & NEARI

A Motion was made by John Capobianco and seconded by Ellen Jordan to table this

matter until the next monthly Board Meeting. After discussion, all Board Members voted in favor of the Motion. Motion passed.

Page 4

Open Minutes

Board Meeting 2/10/09

5. Case No. ULP- 5880

City of Pawtucket & RI Council 94, AFSCME, AFL-CIO

This case was heard formally by Walter Lanni, John Capobianco, Elizabeth Dolan, Ellen

Jordan, and Gerald Goldstein. Frank Montanaro reviewed the transcript and briefs, as well as the evidence submitted therein.

After review of the drafted decision, a Motion was made by John Capobianco and seconded by Frank Montanaro to sign the Decision and Order, as written. After discussion, all Board Members voted in favor of the Motion and did sign the Decision and Order, as written.

ORDER: 1) The Employer is hereby ordered to cease and desist from the unilateral implementation of any terms which were set forth in the Tentative Agreement, unless and until the Tentative Agreement is ratified in its' entirety by the City Council. 2) The Employer is also hereby ordered to recommence good faith bargaining with the Union for a successor agreement within thirty (30) days from the date of this decision.

6. Case No. ULP- 5896

City of Warwick & RI Laborers' District Council, Local 1033

A Motion was made by John Capobianco and seconded by Ellen Jordan to table this matter until the next monthly Board Meeting. After discussion, all Board Members voted

in favor of the Motion. Motion passed.

MISCELLANEOUS MATTERS:

1. Case No. EE- 3365/EE- 3710

State of RI - Judiciary - RI Family Court & RI Laborers' District Council, Local 808

& RI Council 94, AFSCME, AFL-CIO

(Consent Agreement & Affidavit & Representative Petition)

After review of the documentation submitted by all parties, a Motion was made by John

Capobianco and seconded by Frank Montanaro, to place the Consent Agreement &

Affidavit filed by the RI Laborers' District Council, Local 808, Case No. EE- 3365, on

hold in accordance with the said procedures of this Board's Rules and Regulations,

Section 8.01.5; and that this matter shall be set down for determination on the next

applicable monthly Board meeting pending the outcome of said election in Case No.

EE- 3710; that the RI Laborers' District Council, Local 808 shall be allowed to intervene

in the Representation matter in accordance with the Board's Rules and Regulations

§8.01.1; and that an election by secret ballot, shall be conducted under the supervision

of the Board or its Agent, at a date, time, and place to be determined

by the Board. Said
elections shall include all individuals' party to said Petition in
Case No. EE-3710. After
discussion, all Board members voted in favor of the Motion.

Page 5
Open Minutes
Board Meeting 2/10/09

John Capobianco made a Motion for the Board to go into Closed
Session for the
purpose of reviewing the Unfair Labor Practice Charges,
Miscellaneous Matters, and
the Minutes to be closed, pursuant to 42-46-5(a)(2)(4) of the Open
Meetings Law. It was
seconded by Frank Montanaro and it was unanimously
VOTED: for the meeting to go into closed session and to close the
minutes.
The meeting and minutes were closed at 10:45 a.m.

The meeting resumed in open session at 10:50 a.m. for the purposes
of reading into
the Minutes the determinations made by the Board in Closed Session.

UNFAIR LABOR PRACTICE CASES:

1. Case No. ULP- 5951

East Providence School Committee & East Providence Education Association

/NEARI

DETERMINATION: issue a Complaint and proceed to formal hearing.

2. Case No. ULP- 5952

Northern Rhode Island Collaborative & Northern Rhode Island Collaborative

Union

DETERMINATION: issue a Complaint and proceed to formal hearing.

3. Case No. ULP- 5954

Northern Rhode Island Collaborative & Northern Rhode Island Collaborative

Union

DETERMINATION: Motion to Dismiss.

Page 6

Open Minutes

Board Meeting 2/10/09

MISCELLANEOUS MATTERS:

1. Case No. ULP- 5939

Warwick School Committee & Warwick Independent School Employees' Union

(WISE)

DETERMINATION: matter tabled.

2. Case No. ULP- 5947

RI Board of Governors for Higher Education - University of Rhode Island &

URI/AAUP Part-Time Faculty United (PTFU)

DETERMINATION: matter tabled.

3. Closed Minutes

DETERMINATION: publish minutes.

A Motion to adjourn was made by John Capobianco and seconded by Frank Montanaro,

and it was unanimously,

VOTED: to adjourn the meeting at 10:55 a.m.